REMARKS/ARGUMENTS

By this Amendment, Claims 13-17 have been canceled, claims 18, 20 and 21 have been amended and new claims 23-28 have been added. Support for these amendments and new claims is found in the specification at paragraphs [0076] and [0078] and Figure 5.

Thus, claims 18-28 are now pending in the application and reconsideration and reexamination thereof is respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

In the Office Action mailed September 19, 2005, claims 14-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

As claims 14 and 16 have been cancelled, this rejection is now moot and should be withdrawn.

Rejections under 35 U.S.C. § 102(b) and § 103(a)

Claims 13 and 18-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Steeby et al. (US Patent No. 6,227,067). Claims 14-17 were rejected under 35 U.S.C. § 103(a) as being obvious over Steeby et al. in view of the previously-cited Grob.

Applicants traverse these rejections based upon the newly amended claims 18 and 20 and new claim 25.

As indicated at col. 2, lines 7-15, Steeby et al. utilize a conventional, H-type shift pattern (10). In other words, the walls for defining each gear shifting direction (i.e. between a neutral position and a gear engaged position or the "Y-Y" direction according to Steeby et al) are perpendicular to the gear selecting direction (i.e. the neutral position or the "X-X" direction according to Steeby et al.). Steeby et al. makes no modification to this well-known gear shift template.

In order to enable the "occasional" simultaneous movement of the gear shift member in both the "X-X" and "Y-Y" directions, the tolerance between the size of the gear shift member and the walls of each gear shift path (i.e. between the neutral position and a particular gear engaged position, e.g., the first gear) must be relatively large, such that the gear shift member can move laterally due to the play provided by the large tolerance within the generally longitudinally-extending gear shift path, as indicated by Figure 6(b) of Steely.

In other words, the walls of the H-shaped template are not shaped so as to require or cause the gear shift member to move in both the gear selecting and gear shifting directions when moving from a transmission neutral position (gear selecting position) to a gear engaged position. The large tolerance merely permits such movement.

On the other hand, amended claim 13 has been clarified to recite:

"the guide comprises at least one wall defining the at least one predetermined path between the selecting position and a gear engaged position and the at least one wall is shaped such that the gear shifting member is required to move in both the shifting direction and the selecting direction when the gear shifting member is moved from the at least one selecting position to the gear engaged position."

Thus, claim 13 distinguishes from Steeby et al. in that the walls of the guide require movement of the gear selecting member in both the gear selecting direction and the gear shifting direction.

Claim 20 has been amended in substantially the same manner and thus distinguishes from Steeby et al. for the same reason.

Newly submitted claim 25 (as well as dependent claims 23 and 24) recites:

"at least one shifting guide path of the guide being defined by a wall having a shape that is one of:

(i) inclined by an acute angle from a shifting direction that is perpendicular to the gear selecting direction or

(ii) stepped shaped with one leg parallel to the gear selection direction and at least one leg perpendicular thereto,

such that a gear shifting member is required to move in both the gear selecting direction and the shifting direction to reach the respective gear engaged position from the gear selection guide path."

These shapes are shown in Fig. 5.

Thus, wall shape (i) of claim 25 distinguishes from Steeby et al. because the gear shift path walls of Steeby et al. are each perpendicular to the gear selecting or "X-X" direction.

Moreover, wall shape (ii) of claim 25 distinguishes from Fig. 6(a) of Steeby et al., because the stepped shape of the wall according to claim 25 must exist between a gear selecting guide path (which represents a neutral status of the transmission) and the gear engaged position. Naturally, according to Steeby et al., each of these walls is straight.

For at least these reasons, claim 25 is novel as compared to Steeby et al.

Although the gear shift member of Steeby et al. may move in the X-X direction while the gear shift member is disposed within a gear shift path between the neutral position and the gear engaged position, due to the relatively large tolerance between the sizes of the gear shift member and the width of the gear shift path, Steeby et al. does not provide a guide that requires the gear shift member to move in the gear select (X-X) direction within the path of movement from the neutral position to the gear engaged position.

Therefore, it is respectfully submitted that claims 18-28 are also non-obvious, because Steeby et al. provide no hint or suggestion for achieving the present invention. Whereas the present invention is primarily directed to improving the safety of the transmission operation, in particular in the event of breakage of the gear shift actuator, Steeby et al. is directed to increasing the speed of a gear shift by allowing movement in the X-X direction when the gear shift member is not within the neutral position.

The inventions recited in claims 18, 20 and 25 contemplate a new gear shift pattern, in which at least one gear shift guide/wall is disposed between the neutral position and the gear engaged position and is not solely perpendicular to the gear selecting or neutral position, as is the case in Steeby et al. Because Steeby et al. fail to suggest any change to the conventional H-type shift template, it would not have been obvious to the skilled person to modify Steeby et al. so as to achieve the present invention.

In view of the above, it is clear that claims 13 and 18-22 are not anticipated by Steeby et al. and that all pending claims 18-28 are patentable over Steeby et al. and Grob, whether considered alone or in combination. Therefore, the rejections under 35 U.S.C. § 102(b) and under 35 U.S.C. § 103(a) should now be withdrawn.

Conclusion

For all the foregoing reasons, it is believed that all rejections have been overcome and the application is now in a condition for allowance. An early Notice of Allowance is therefore earnestly solicited.

If the Examiner believes an interview, either telephonic or in person, will advance the prosecution of this matter, it is respectfully requested that the Examiner contact the undersigned at the Examiner's convenience.

Respectfully submitted,

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By: ____________

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